

## **Description for the general public**

Contemporary migrations have an impact on the shape of contemporary economy and on community life alike. It is indisputable that migrants, who are an extremely vulnerable group, require particular protection in terms of fundamental rights and equal treatment, especially given the situation after the 2015 migration crisis and the COVID-19 pandemic. The institution of the Ombudsman serves to ensure quick access to mechanisms of intervention and elimination of violations in the system of protection of fundamental rights. According to the data published by the European Commission in September 2020, 20.9 million third-country nationals resided in Member States, which makes up 4.7% of the European society

The scientific goal of the project involves creating a legal model of the Ombudsman's action in cases concerning protection of fundamental rights of migrants at the national and European level on the basis of an analysis of existing legal guarantees in selected Member States (Poland, Greece, Sweden) and provisions of the European law. The model will be created on the basis of an analysis of sources of the national and European law, administrative decisions, decisions of domestic and international courts, decisions and speeches made by ombudsmen as well as legal scholarship and commentary. Experiences of other countries and the analysis of legal solutions operating there will be used in an auxiliary scope. The office of an Ombudsman who deals with the issue of migration is not a novelty in solutions adopted in non-European countries. For example, the Citizenship and Immigration Services Ombudsman operates in the USA, appointed under the Homeland and Security Act (act of 2002). The Office of the Commonwealth Ombudsman operates in Australia, which examines complaints against the Department of Home Affairs in terms of its functions relating to migration law. Whereas the so-called Fair Work Ombudsman also deals with matters of migrating workers.

According to the research theses adopted in the project, migrants are a group particularly vulnerable to human rights violations and both the Member States and the EU are obliged to protect them in a special way. The existing procedural protection of fundamental rights of migrants at the national and EU level is ineffective and insufficient. The Ombudsman, as a body acting at the national level, is an institution that fills the gap in the legal protection implemented by administrative courts and bodies of the Member States and the EU. By means of his ad hoc activity, flexible mechanisms and the capacity for quick interventions, he contributes to the implementation of the principle of solidarity of human rights protection. The existing procedural standards of migrants' rights are not effective in practice and require strengthening. Thus, there is a need to create a universal model of the Ombudsman's activity in migrants' cases, the implementation of which at the level of the Member States will contribute to fuller and more effective protection of this group, and at the same time will strengthen the Member States in their implementation of the migration policy and the integration process. There is also a need to establish the Ombudsman for Migrants, as a specialised ombudsman at the EU level and as an entity ensuring full implementation of the protection of rights of migrants guaranteed by the state.

The research proposed in the project will include an analysis of practical actions taken by national Ombudsmen for the protection of rights of irregular migrants and persons seeking international protection as well as regular migrants in Poland, Sweden and Greece. The analysis will be based on national legislations, national courts' decisions, administrative decisions of national authorities and on acts of Ombudsmen's conduct. The research will also involve queries at selected ombudsmen's offices. On the basis of the analysis of the collected material, a model of the Ombudsman's conduct in matters of migrants will be constructed.

The effect of the research will provide a remedy for the problems associated with practical protection of migrants' rights under the EU Area of freedom, security and justice. The proposed institution of the European Ombudsman for Migrants will be an instrument which will strengthen in real terms the implementation of fundamental rights in the field of asylum and migration and will allow unification of standards guaranteed in practice by the Member States and EU migration institutions and agencies and monitoring of actions taken towards migrants under the applicable provisions of migration and asylum laws.